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## Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREG SUTTERFIELD, Derivatively On Behalf of MICROMUSE, INC.

Master File No. No. C-04-0893 BZ

## DERIVATIVE ACTION

**STIPULATION AND REQUEST FOR  
ORDER RESETTING HEARING DATE  
FOR PRELIMINARY APPROVAL OF  
SETTLEMENT**

Date: September 7, 2005  
Time: 10 a.m.  
Courtroom: G, 15<sup>th</sup> Floor  
Judge: Honorable Bernard Zimmerman

LLOYD CARNEY, et al..

VS.

VS.

LLOYD CARNEY, et al..

## Defendants.

-and-

MICROMUSE, INC., a Delaware corporation.

### Nominal Defendant.

1 Plaintiff Greg Sutterfield (“Plaintiff”), nominal defendant Micromuse Inc.  
2 (“Micromuse” or the “Company”), Gregory Q. Brown, Lloyd Carney, Stephen A. Allott,  
3 Michael Luetkemeyer, David A. Wise, David C. Schwab, Michael B. Jackson, and Kathleen  
4 Wallman (collectively referred to as “Defendants”), by and through their counsel, recite,  
5 stipulate and request that the Court order that hearing on Motion of Federal Derivative Action  
6 Plaintiff for Preliminary Approval of (1) Proposed Settlement of the Federal Derivative  
7 Action, (2) Form of Settlement Notice, and (3) Scheduling Hearing on Final Approval of  
8 Settlement and for Award of Attorneys’ Fees and Reimbursement of Expenses (“Motion of  
9 Derivative Plaintiff for Preliminary Approval”) be advanced from September 21, 2005 to  
10 September 7, 2005 at 10:00 a.m. or as soon thereafter as the Court may determine.  
11  
12

13 Dated: August 29, 2005

**BINGHAM McCUTCHEN LLP**

14  
15  
16 /s/  
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Attorneys for Defendant Micromuse, Inc.  
and the Individual Defendants

STIPULATION AND REQUEST FOR ORDER RESETTING HEARING DATE FOR PRELIMINARY  
APPROVAL OF SETTLEMENT C-04-0893 BZ

1 Dated: August 29, 2005  
2

**FEDERMAN & SHERWOOD**

3 /s/  
4

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12 **GREEN WELLING LLP**  
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19 Attorneys for Plaintiff Greg Sutterfield  
20

21 **Good cause appearing therefore, hearing on Motion of Derivative Plaintiff for  
22 Preliminary Approval is set before this Court at 10:00 a.m. on September 7, 2005.**

23 Dated: August 29, 2005

24 United States District Judge



25 **STIPULATION AND REQUEST FOR ORDER RESETTING HEARING DATE FOR PRELIMINARY  
26 APPROVAL OF SETTLEMENT C-04-0893 BZ**